

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

FIRST APPEAL NO.260 OF 1993.

Shri Jaywant Raghunath Shanbhag : Appellant.

versus

M/s.Deccan Resorts (Mahad)

Private Ltd. through its Managing

Director Shri Vijay Kumar Waman

Apte. : Respondent.

Mr.P.N.Patwardhan for the appellant.

Mr.N.V.Walawalkar for the respondent.

CORAM : D.G.DESHPANDE, J.

DATED : 18th January 2005.

ORAL ORDER.

1. Advocates for the appellant and respondent are present. Mr.Walawalkar, appearing for the respondent, states that the decree for possession, which is challenged in this appeal, is fully satisfied and, the appellant - judgment

debtor has handed over the possession as per his statement to this Court. Mr.Walawalkar pointed out that in Civil Application No.742 of 1995 in this Appeal an order has been passed by the Division Bench on 23rd June 1995 wherein the advocate for the present appellant, who was the opponent in that application, made a statement that he was ready and willing to hand over the possession of the suit bungalow to the respondent within a period of 2 weeks from the date of the order. The statement was accepted and Mr.Walawalkar stated that pursuant to this statement, the appellant has handed over the possession. Counsel for the appellant had requested for time to contact his client and ascertain and verify this fact. He was granted time till today. Today also he is seeking adjournment. I do not find it necessary to grant him any more time because possession was handed over pursuant to the court's order. Nothing remains in this appeal. Hence the appeal is dismissed.

[D.G.DESHPANDE]

18/01/2005

JUDGE.